

**TELECONFERENCE  
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,  
HYDROLOGISTS AND SOIL SCIENTISTS  
MINUTES  
MADISON, WISCONSIN  
FEBRUARY 21, 2001**

**PRESENT:** Stephen Donohue (until 9:45), Roger Hall (joined at 8:45), David Mickelson, Jerry Tyler, Herb Garn, Wayne Lindgren, Tom Evans, Tracy Benzel (joined at 8:44), and Fred Birts (until 10:45)

**EXCUSED:** Patrick McGuire, Robert Karnauskas and Joan Underwood

**STAFF PRESENT:** Alfred Hall and Becky Fry; William Black, Legal Counsel

**CALL TO ORDER**

Stephen Donohue, Vice-Chair, called the meeting to order at 8:36 a.m. A quorum of nine members was present.

**ADOPTION OF AGENDA**

**MOTION:** Tom Evans moved, seconded by David Mickelson, to approve the agenda, as published. Motion carried unanimously.

**APPROVAL OF MINUTES (12/12/00)**

**MOTION:** Fred Birts moved, seconded by Tom Evans, to approve the minutes, as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Marlene Cummings**

Secretary Cummings addressed her upcoming retirement and expressed her enjoyment working with the Board. The Board wished Secretary Cummings well in her future plans.

**Bureau Director's Report**

- **Board Roster**

The Board noted the current roster included in the agenda packet.

- **2001 Meeting Dates**

The Board received a copy of the proposed 2001 meeting dates and discussed the possibility of eliminating the March 29, 2001 meeting. The Board agreed to retain the March 29, 2001,

meeting to discuss the proposed rule changes to Chapter 470 pertaining to the Board issuing exemptions for licensure to various individuals such as wetland scientists.

- **Regulatory Digest**

Noted.

- **To-Pass Folder**

No To-Pass Folder was circulated.

## **ADMINISTRATIVE RULES**

### **Clarification of Board's Response to Clearinghouse Report to Agency, Relating to CR 00-139 An Order To Create GHSS 1.07 and the Creation of a Rules Committee**

William Black reviewed the motion from the December 12, 2000, meeting relating to the Clearinghouse comments to the agency regarding the clarification of who appoints the professional members of the rules committee and how they are selected.

**MOTION:** Tracy Benzel moved, seconded by Herb Garn, to reaffirm the proposed language to GHSS 1.07 (2) "Each Section shall appoint one professional member by a majority vote. The Board Chair shall appoint the two public members from any of the three sections of the board." Motion carried unanimously.

**MOTION:** Herb Garn moved, seconded by David Mickelson, to rescind the 12/12/00 motion which states: "Tracy Benzel moved, seconded by Herb Garn, to change the language of GHSS 1.07 (2) (a), to read the board chair shall confirm one professional member from each section and appoint 2 public members from any of the 3 sections of the board," and replace it with the current motion. Motion carried unanimously.

William Black clarified the intention of the language of GHSS 1.07 (2) (b), which states the "rules committee *may* act for the board," and advised that retaining the word "may" rather than "shall" would provide more flexibility to the Board in rule making proceedings, when sending issues to the Rules Committee.

**MOTION:** Tom Evans moved, seconded by David Mickelson, to agree with Clearinghouse comment 5 c relating to the use of the word "may" rather than "shall." Motion carried unanimously.

## **BOARD MEMBER ACTIVITY**

### **Election Of Officers**

**MOTION:** Tom Evans moved, seconded by David Mickelson, to nominate and re-elect the present slate of officers to include Joan Underwood, Chair; Stephen Donohue, Vice Chair; and Patrick McGuire, Secretary. Motion carried unanimously.

### **Professional Geologist Section Report**

Tom Evans indicated that he had attended the two-day National Association of State Boards of Geologists (ASBOG) examination item writing workshop in October 2000, in Atlanta, Georgia, to review the previous exam, consider the existing exam and prepare for future exams. Mr. Evans indicated that the next examination workshop will be held in April 2001.

### **Professional Hydrologist Section Report**

Herb Garn informed the Board that he attended a meeting of the American Institute of Hydrology (AIH) annual conference in November to discuss AIH assuming responsibility of the hydrology examination.

Mr. Hall informed the Board that an invitation has been received to make a presentation at the AIH meeting in Minneapolis, Minnesota, in October 2001, relating to the hydrology examination and credentialing.

Stephen Donohue expressed his concern with the decrease in the number of applications for hydrology licensure.

### **Professional Soil Science Section Report**

Mr. Hall referred to the December agenda packet regarding inquiries relating to NR 712 and registration as a professional geologist.

The Board discussed licensing requirements as they relate to other agencies. A suggestion was made that the Department of Natural Resources (DNR) modify the rules that impact on the professions of the Board.

A recommendation was made that information be drafted explaining the process of registration as a geologist, hydrologist, and soil scientist, to help raise the awareness of agencies such as DNR, the Department of Commerce, the Department of Transportation, the Department of Agriculture, etc.

David Mickelson recommended the establishment of an advisory committee to look at the possibility of educating agencies relating to registration and licensure requirements as professional geologists, hydrologists, and soil scientists. Discussion was deferred to the next meeting.

## **PRACTICE ISSUES**

### **Discussion of s.470.045, Stats., relating to Firms, Partnerships, and Corporations**

Mr. Hall stated that consistent with statutes, a company that holds itself out as providing professional geology, hydrology, or soil science services is required to hold a certificate of authorization. He indicated that this issue would be included in the next Regulatory Digest along with the clarification of the question regarding the need to be licensed if performing as a hydrogeologist under the NR 712 series.

Stephen Donohue questioned whether engineering firms were required to hold a certificate of authorization. Mr. Black addressed this issue and clarified that if a firm holds itself out as an engineering firm a certificate of authorization would not be required; however, if the firm holds itself out as practicing or offering to practice professional geology, hydrology, or soil science with the use of a licensed geologist, hydrologist, or soil scientist, a certificate of authorization would be required. Mr. Black further clarified that if an engineer is signing plans for an engineering firm that has a professional geologist on staff, the practice becomes engineering. If the professional geologist signs the plans, the practice of geology is being provided and a certificate of authorization is required under the GHSS statutes.

Stephen Donohue left the meeting at this point. Herb Garn facilitated the remainder of the meeting.

Tracy Benzel raised the issue of sole proprietorships and the requirement of a certificate of authorization. This issue will be discussed and clarified at a future meeting.

**Discussion of the Use of the Title “Hydrogeologist,” as Referenced in s. NR 712.03 (1) [Defined in 600.03 (98), Stats., 02/02/01, Weber]**

Mr. Hall referred to Bill Barry’s November 13, 2000, letter to Theresa Evanson, Hydrogeologist Bureau for Remediation and Redevelopment for DNR and John Weber’s February 2, 2001, letter to Mr. Hall, concerning whether an individual who is performing hydrogeology under the NR series must be licensed as a professional geologist, hydrologist or soil scientist.

The Board discussed the definition of hydrogeologist, as currently stated in the 700 series of the DNR rules, in relation to the requirements for GHSS licensure. Further discussion was held regarding the need for communication with other agencies to resolve questionable issues relating to the use of the term hydrogeology and when an individual needs to be licensed as a professional geologist, hydrologist, or soil scientist.

The Board agreed to advise Mr. Weber that he is advertising as a geologist when using the title hydrogeologist and, if he is signing the plans for submittal, he would be required to be licensed as a professional geologist, hydrologist, or soil scientist unless he is in responsible charge or direct supervision of a licensed engineer and that engineer is submitting the plans.

Mr. Hall will draft a response to the email inquiry received from Terry Evanson with a copy to Bill Barry, indicating that the Board wishes to clarify that while the DNR rules have a definition for hydrogeology, one should note that the definition of hydrogeology in the DNR rules is inconsistent with the statutory mandates of the GHSS Examining Board. Consequently, the individuals who perform these practices would be required to have either a professional hydrology or geology license.

**MOTION:** Tracy Benzel moved, seconded by Tom Evans, to request that Alfred Hall draft a letter of response to Mr. Weber indicating that he is advertising as a hydrogeologist and must have a license under Chapter 470 as a professional geologist, hydrologist, or soil scientist. Motion carried unanimously. (Fred Birts was no longer in attendance and did not vote on this issue.)

#### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

##### **Suggested Statutory Change – Chapter 470, 12/08/00, Osten**

This issue was deferred to the March 29, 2001 meeting.

##### **April 11, 2001, Public Hearing for Electronic Transmission of Design Plans**

Noted.

##### **Response to Representative Duff, 01/23/01, McGuire**

Mr. Hall indicated that no subsequent information has been received from the response to Representative Duff.

#### **NEW BUSINESS**

**MOTION:** David Mickelson moved, seconded by Jerry Tyler, to request Stephen Donohue, on behalf of the Joint Board, to draft a note of thanks and congratulations to Secretary Cummings regarding her upcoming retirement. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Jerry Tyler moved, seconded by David Mickelson, to adjourn the meeting at 10:58 a.m. Motion carried unanimously.